

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

KEN W. MATTHEWS,

*Plaintiff,*

v.

THE GIVING DAYS FOUNDATION, INC., d/b/a  
RAY REYNOLDS SURVIVED,

*Defendant.*

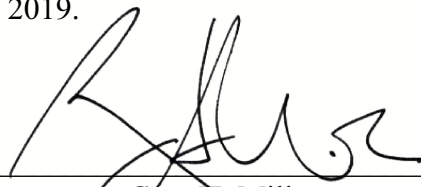
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CIVIL ACTION H-19-481

**ORDER**

On October 8, 2019, the court entered a memorandum opinion and order granting plaintiff Ken W. Matthews's motion for default judgment on his Telephone Consumer Protection Act ("TCPA") claim relating to use of an automated telephone dialing system. Dkt. 12. The court noted that Matthews did not seek default judgment on his claims for invasion of privacy-intrusion upon seclusion, intentional infliction of emotional distress, trespass to personal property, recovery under the TCPA for text messages, or entry of an injunction, and it ordered Matthews to advise the court whether he intended to prosecute these claims on or before October 22 (14 days) or the court would dismiss the claims for want of prosecution. *Id.* That deadline has passed, and the court has not heard from Matthews. Accordingly, Matthews's claims for invasion of privacy-intrusion upon seclusion, intentional infliction of emotional distress, trespass to personal property, recovery under the TCPA for text messages, and entry of an injunction are DISMISSED FOR WANT OF PROSECUTION. The court will enter a final judgment concurrently with this order.

Signed at Houston, Texas on October 25, 2019.



Gray H. Miller  
Senior United States District Judge